

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

TALICIA DIXON,

Petitioner,

Case No. 3:24-cv-12

v.

SHANNON OLDS, WARDEN
Dayton Correctional Institution,

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

Respondent.

ORDER: (1) ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 12); (2) OVERRULING PETITIONER'S OBJECTIONS (Doc. No. 15); (3) DENYING AND DISMISSING WITH PREJUDICE PETITIONER'S HABEAS CORPUS PETITION (Doc. No. 1) ; (4) DENYING A CERTIFICATE OF APPEALABILITY; (5) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (6) TERMINATING THIS CASE ON THE DOCKET

Petitioner Talicia Dixon, an inmate in state custody, brings this case *pro se* seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. No. 1. This case is before the Court upon the Report and Recommendation of United States Magistrate Judge Michael R. Merz (Doc. No. 12), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Merz recommends that this Court dismiss with prejudice Petitioner's habeas corpus petition. Doc. No. 12 at PageID 1682-83. Petitioner timely filed objections to the Report and Recommendation (Doc. No. 15), which Respondent opposes (Doc. No. 16). As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including Petitioner's objections.

Upon careful *de novo* consideration of the foregoing, the Court concludes that Petitioner's objections lack merit and that the Report and Recommendation sets forth the applicable law and cogently applies it to reach well-reasoned and correct conclusions. For these reasons, the Report and Recommendation should be adopted.

Accordingly, the Court (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety; (2) **OVERRULES** Petitioner's objections; (3) **DENIES** and **DISMISSES WITH PREJUDICE** Petitioner's habeas corpus petition; (4) **DENIES** Petitioner a certificate of appealability; (5) **CERTIFIES** that any appeal would be objectively frivolous and **FINDS** that Petitioner should be denied *in forma pauperis* status on appeal; and (6) **TERMINATES** this case on the docket.

IT IS SO ORDERED.

February 10, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge